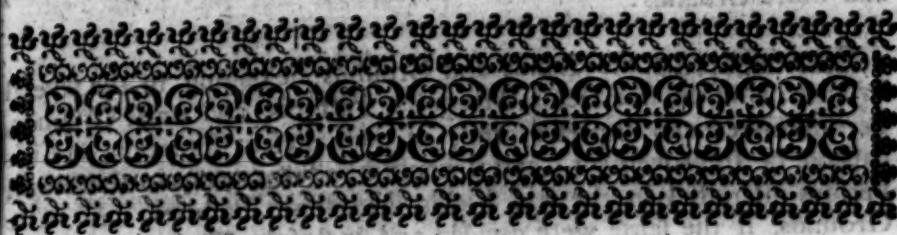


X Great Brit. - George III. No 8

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Dividing and Inclosing the Common
Fields, Meadows, Pastures, and Waste
Grounds, in the Township of *Aston upon*
Trent, in the County of *Derby*.



Whereas there are, within the Township of *Aston* ^{Preamble.}
upon Trent, in the County of *Derby*, several com-
mon Fields, Meadows, Pastures, and waste Grounds,
containing One thousand Five hundred Acres, or
thereabouts:

And whereas *James Shuttleworth*, Esquire, is
Lord of the Manor of *Aston upon Trent*, and Patron of the Rectory
and Parish Church of *Aston* aforesaid; and the Reverend *John Rol-
leston*, Clerk, is Rector of the said Rectory and Church:

And whereas the said *James Shuttleworth* and *John Rolleston*, Clerk,
together with *Leonard Fosbrooke*, Esquire, *Sarah Cowlishaw*, *John*
Prior, *Robert Measham*, *John Cock*, *William Roulston*, *William*
Brownhill, *Joseph Bostock*, and others, are the Owners and Proprietors
A of

of the Lands and Grounds in the said Fields, Meadows, Pastures, and waste Grounds:

~~And whereas~~ the Lands and Grounds belonging to the several Proprietors in the said Fields, Meadows, Pastures, and waste Grounds, lie intermixed and dispersed, and, in their present Situation, are incapable of Improvement; and it would be advantageous to the several Persons interested in the said Fields, Meadows, Pastures, and waste Grounds, if the same were divided and inclosed; ~~But~~, as such Division and Inclosure cannot be effectually made and established without the Authority of Parliament;

May it please Your MAJESTY,

Commission-
ers.

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Wyatt*, of *Seany Park*, in the County of *Stafford*, *Thomas Oldknow*, of the Town of *Nottingham*, *Thomas Drake*, of *Cavendish Bridge*, in the County of *Leicester*, *Thomas Ponton*, of *Barnby in the Willows*, in the County of *Nottingham*, and *John Piddocke*, of *Asby de la Zouch*, in the County of *Leicester*, Gentlemen, and their Successors, to be elected in manner herein after-mentioned, shall be, and they are hereby appointed Commissioners, for setting out, dividing and allotting all the said common Fields, Meadows, Pastures, and waste Grounds, and for putting this Act in Execution.

Survey to be
made.

And be it further Enacted, That the said Commissioners, or any Three of them, shall, as soon as conveniently may be, after the passing of this Act, make, or cause to be made, a true and distinct Survey of all the said Fields, Meadows, Pastures, and waste Grounds; and such Survey shall be reduced into Writing; and the Number of Acres, Roods, and Perches, belonging to each Proprietor in the said Fields, Meadows, Pastures, and waste Grounds, shall be therein specified and described; and the said Survey shall be laid before the said Commissioners, or any Three of them, at One of their Meetings, to be held in pursuance of this Act, to be by them kept for the Purposes of this Act.

Commission-
ers to allot
Lands, in lieu
of Tythes
and Glebe.

And be it further Enacted, That the said Commissioners, or any Three of them, shall, and they are hereby authorized and required, as soon as conveniently may be, after the said Survey shall have been laid before them, in the First place, to set out and allot, unto and for the said *John Rolleston*, and his Successors, Rectors of the Parish and Parish Church of *Aston upon Trent* aforesaid, such Parcel of the Lands and Grounds in the said Fields, Meadows, Pastures,

Pastures, and waste Grounds, as (Quantity and Quality considered) shall contain One full Seventh Part thereof, in Lieu of, and as a Recompence and Satisfaction for all the great and small Tythes, and other Dues, Duties, and Payments whatsoever, now due and payable to the said *John Rolleston*, and his Successors, Rectors as aforesaid, arising, renewing, increasing, or happening within the said Fields, Meadows, Pastures, and waste Grounds, or within any other Part of the Township of *Aston upon Trent* aforesaid (Surplice Fees only excepted); and also such Parcel of the then Residue of the Lands and Grounds, so intended to be divided and inclosed, as (Quantity and Quality considered) shall, in the Judgment of the said Commissioners, or any Three of them, be, at the Time of making such Allotment, a full Equivalent, Satisfaction, and Compensation for, and in Lieu of, the Glebe Land and Right of Common now belonging to the said *John Rolleston* and his Successors, Rectors as aforesaid; which said Parcels of Land, so to be set out and allotted unto and for the said *John Rolleston*, as Rector as aforesaid, shall be and are hereby vested in him, and his Successors, Rectors of the said Rectory, for and in Lieu of all such great and small Tythes, and other Dues, Duties, and Payments, and the said Glebe Lands, and Right of Common as aforesaid (except as before excepted), and in full Discharge thereof, and shall be, by him and them, for ever after accepted as such; and shall, in the next place, set out and allot, in some convenient Place in the said Fields, Meadows, Pastures, and waste Grounds, Two Acres of Land, to be used for the getting of Gravel for the Repairing of the Highways within the said Parish; and the Herbage thereof shall be and the same is hereby vested in the said *James Shuttleworth*, his Heirs and Assigns for ever, subject to the getting of Gravel as aforesaid; which Herbage shall be an Equivalent or Compensation to him, as Lord of the said Manor, for his Interest or Right of Soil in the Commons or waste Grounds within the said Township; and shall then set out and allot the then Residue of the Lands and Grounds in the said Fields, Meadows, Pastures, and waste Grounds, so intended to be divided and inclosed, unto and among the said *James Shuttleworth*, *Leonard Fosbrooke*, *Sarah Cowlishaw*, *John Prior*, *Robert Measham*, *John Cock*, *William Roulston*, *William Brownhill*, *Joseph Bosstock*, and the other Persons who, at the Time of making such Allotments, shall be intitled to Lands, Property, and Right of Common in the said Fields, Meadows, Pastures, and waste Grounds, in proportion to their respective Shares, Interests, and Right of Common therein, subject to the Rules, Orders, and Directions herein contained.

And be it further Enacted, That the said Commissioners, or any Three of them, shall and may set out and allot, unto and for such Person and Persons respectively, who, at the Time of the Allotments

Allotments to
Persons in
Trust, for any
publick Use.
so

so to be made in pursuance of this Act, shall be seised of any Land, Ground, or Common Right, in the said common Fields, Meadows, Pastures, and waste Grounds, in Right of, or in Trust for, any Church, Hospital, School, or other publick Use, such Parcel or Parcels of the Fields, Meadows, Pastures, and waste Grounds, as shall, in the Judgment of the said Commissioners, or any Three of them, be such respective Person or Persons Proportion or Proportions thereof, after a Deduction of so much as shall, in the Judgment of the said Commissioners, or any Three of them, be equal in Value to his, her, or their respective Proportion of the Expence of the outside mounding or fencing such Allotment or Allotments respectively, and of the Charges and Expences incident to the obtaining, passing, and executing this Act, and of such other Expences as are herein after directed to be paid and borne for them respectively, by the rest of the Proprietors of Land in the said Fields, Meadows, Pastures, and waste Grounds.

Commissioners to determine Disputes among the Parties interested.

And be it further Enacted, That if any Dispute or Difference shall arise between the Parties interested in the said intended Division and Inclosure, or any of them, touching or concerning the respective Rights and Interests which they, or any of them, now have or claim to have in the said Fields, Meadows, Pastures, and waste Grounds, so intended to be divided and inclosed as aforesaid, it shall and may be lawful to and for the said Commissioners, or any Three of them, and they are hereby required, by Examination of Witnesses upon Oath (which Oath the said Commissioners, or any Three of them, are hereby authorized to administer), and upon other proper and sufficient Enquiry, Evidence, and Satisfaction, to hear and finally to determine the same; and such Determination shall be binding and conclusive to all Persons whomsoever.

Commissioners may exchange Lands, with the Consent of the Owners.

And be it further Enacted, That, for the more convenient Situation and Disposition of the several Farms and Lands to the Owners and Occupiers thereof upon the said intended Division and Inclosure, it shall and may be lawful to and for the said Commissioners, or any Three of them, and they are hereby authorized and impowered, to assign, allot, set out, and appoint, any House, Barn, or other Building, or Part or Parcel of antient inclosed Lands or Ground, lying within the said Township, which belong to any of the Owners or Proprietors of Lands or Ground lying in the said common Fields, Meadows, Pastures, and waste Grounds, in Lieu of and Exchange for any House, Barn, or other Building, or for other Lands and Ground, lying in the said common Fields, Meadows, Pastures, and waste Grounds, so intended to be inclosed as aforesaid, or in lieu of or for any other old inclosed Lands or Ground within the said Township, so

as

as all and every such Exchange or Exchanges as aforesaid be ascertained, specified, and declared, in the Award or Instrument herein after-mentioned, and so as every such Exchange be made by and with the Consent and Approbation of the Proprietors interested therein, testified in Writing under their respective Hands and Seals; and all and every such Exchange and Exchanges, so to be made, shall be good, valid, and effectual in Law, to all Intents and Purposes whatsoever.

And be it further Enacted, That the said Commissioners, or any Three of them, shall and may set out and appoint such publick and private Roads or Ways through the said intended Inclosures, and of such Breadth between the Ditches or Fences, as they shall think convenient; and such publick Roads shall, at all times for ever thereafter, be repaired and kept in Repair in such manner as other publick Highways are by the Law directed to be repaired: And that, after the making the Roads and Ways so set out and appointed, it shall not be lawful for any Person or Persons to use any other Roads or Ways, either publick or private, over or through the said new Inclosures, on Foot, or with Horses, Cattle, or Carriages; and that all the former Roads and Ways, which shall not be set out and appointed as the Roads and Ways through the said intended Inclosures, shall be deemed Part of the Lands to be inclosed, and shall be divided and allotted accordingly as Part of such Lands.

Provided always, That any of the Proprietors of the new Inclosures, intended to be made pursuant to this Act, shall have full Liberty for the Term of Ten Years from the time of the said Inclosure, to erect or set up and continue any Gate or Gates across any Roads, against his or their own Land for keeping out Sheep and Cattle, and to prevent their destroying any Banks, Wood-Plants, Quicksets, or Fences, which shall be made or planted for inclosing or fencing any Part or Parcel of the said Fields, Meadows, Pastures, and waste Ground.

And be it further Enacted, That the Tillage Parts of such of the said Fields, as shall happen to be the fallow Fields the Year wherein such Divisions and Allotments shall be made as aforesaid, shall be plowed in an husband-like Manner Two several Times in that Year, betwixt the First Day of *April* and the First Day of *August*, and that ever Proprietor or Occupier, who shall neglect or refuse so to plow his or her Parts of the said Fields, in manner as aforesaid, shall forfeit and pay to the new Proprietors respectively by virtue of this Act of such Parts respectively so not plowed as aforesaid Five Shillings an Acre for every Tilt or Plowing omitted, and so in proportion for every less Quantity than an Acre, to be recovered by Application to the General or Quarter Sessions of the Peace for the County

Commissioners to set out Roads.

Proprietors may set up Gates cross any Roads, for 10 Years, to keep Cattle from destroying Fences.

Fallow Fields to be plowed twice in the Year of Divisions and Allotments, under the Penalty of Five Shillings an Acre.

County of *Derby* in a summary Way ; which Matter such Court of Sessions are hereby authorized and impowered to hear and finally determine, and to cause the Money that shall appear to be due to any Person or Persons complaining on the Account aforesaid to be levied by Distress and Sale of the Offender or Offenders Goods and Chattels, by Warrant or Order of the same Court, with reasonable Costs ; and also that if any of the said Proprietors shall not have as much Tillage Land allotted to them in that Field by virtue of this Act, as they shall so plow therein as aforesaid, they shall have and receive respectively, from the Proprietors of the new Allotments respectively, such Allowance and Satisfaction for such their plowing as aforesaid, as the said Commissioners, or any Three of them, shall think reasonable and direct ; and that such Allowance and Satisfaction shall be recovered as aforesaid, with Costs as aforesaid.

Commissioners to make an Award.

And be it further Enacted, That within the Space of Three Calendar Months after the Division and Allotment of the said Fields, Meadows, Pastures, and waste Grounds, shall be completed and finished, the said Commissioners, or any Three of them, shall form and draw up, or cause to be formed and drawn up, an Award or Instrument thereof in Writing, which shall express the Quantity and Contents, in Statute Measure, of the Acres, Roods, and Perches, contained in the said Fields, Meadows, Pastures, and waste Grounds, intended to be inclosed as aforesaid, and the Quantity and Contents of each and every Part and Parcel thereof assigned and allotted to each of the Parties intituled to Lands, Tythes, Common Right, or any other Property within the same, and a Description of the Situation, Bottals, and Boundaries, of such Parcels and Allotments respectively, and proper Orders and Directions for and concerning the laying out and making of the publick Roads, and the Breadth thereof, and for and concerning the laying out, making, maintaining, cleansing, and keeping in Repair, the private Roads and Ways, Fences, Ditches, Drains, Bridges, Gates, and Stiles, in, upon, and over the said intended Inclosures, and also all such Orders, Regulations, and Determinations, as are in and by this Act mentioned, directed, or required to be made and established, and such other Orders and Regulations as shall be necessary or proper, conformable to the true Tenor of this Act, for the more easy, convenient, and effectual Execution thereof, and for preventing all Differences and Disputes in relation to the Matters herein contained ; which said Award or Instrument shall be fairly ingrossed on Parchment, and signed and sealed by the said Commissioners, or any Three of them, and shall, within Four Calendar Months next after the same shall be so signed and sealed as aforesaid, be inrolled in one of his Majesty's Courts of Record at *Westminster*, or by the Clerk of the Peace for the County of *Derby*, and a true Copy thereof, as well as the original Award, shall at all times thereafter be admitted in all

Courts

Courts whatsoever as legal Evidences of the same; and that the several Allotments and Divisions, and all Orders, Directions, Regulations, and Determinations, so to be made as aforesaid, in and by such Award or Instrument, shall be binding and conclusive unto and upon all Persons intitled to or claiming any Lands, Tythes, Common Right, or other Property, in the said Fields, Meadows, Pastures, and waste Grounds.

And be it further Enacted, That the several Lands and Grounds to be divided, assigned, set out, allotted, and appointed, unto and for the several Persons who, by virtue of this Act, shall at the time of the Execution of such Award or Instrument as aforesaid be intitled to the same, shall be and are hereby vested in them respectively, in full Bar of and Satisfaction and Compensation for the respective Properties and Interests in the said Fields, Meadows, Pastures, and waste Grounds, which he, she, or they had before the passing of this Act, or immediately before the said Allotments made; and that from and immediately after the making of the said Divisions and Allotments, and the Execution of the said Award or Instrument, of such Tenor or Purport as afore-mentioned, or so soon thereafter as the said Commissioners, or any Three of them, shall, by virtue of the said Award or Instrument, appoint, all Right of Common in the said Fields, Meadows, Pastures, and waste Grounds, shall cease, determine, and be for ever extinguished; and that all and every Lease and Leases, at rack or extended Rent subsisting, of all or any Part or Parts of the said Fields, Meadows, Pastures, and waste Grounds, and all other Agreements, at rack or extended Rent, for any Time or Term therein, shall immediately upon such Allotments and Divisions being made, and such Award or Instrument being executed as aforesaid, or so soon thereafter as the said Commissioners, or any Three of them, shall by the said Award or Instrument appoint, cease, determine, and be void; the respective Owners or Proprietors of such Part or Parts of the said Fields, Meadows, Pastures, and waste Grounds, who have made any such Lease or Leases, or Agreement or Agreements, making such Satisfaction to such his, her, or their respective Lessee or Lessees, Tenant or Tenants, as the said Commissioners, or any Three of them, shall ascertain as reasonable to be paid to such Lessee or Lessees, Tenant or Tenants, on account thereof, or as an Equivalent for the same.

Allotments
vested in
Proprietors,
in lieu of
their former
Property in
the Field.

Extinguish-
ment of Right
of Common.

Leases at
Rack-rent to
be void, on
Tenants re-
ceiving Satis-
faction.

And be it further Enacted, That every Person intitled to any Allotment or Allotments to be made as aforesaid, shall and is hereby required to accept such Allotment or Allotments within the Space of Three Calendar Months next after the Execution of the said Award or Instrument, and publick Notice given in the Parish Church of *Aston* aforesaid, on a *Sunday* immediately after Divine Service; and also Notice in Writing affixed on the Door of the said Church for that

Allotments to
be accepted
within a cer-
tain Time.

that Purpose, signed by the said Commissioners, or any Three of them (which Notice the said Commissioners, or any Three of them, are hereby required to cause to be so publickly given); and every Person who shall neglect or refuse to accept any such Allotment within the Time before-mentioned, shall be totally excluded from having or receiving any Benefit or Advantage by this Act, and also from any Estate, Interest, Tythes, and Right of Common whatsoever, in, to, or in respect of, the Lands allotted to any other Person or Persons by virtue of this Act.

Guardians,
&c. to accept
for Persons
incapable to
accept them-
selves.

Provided always, That the Guardians, Husbands, Trustees, Committees, or Attornies, of any Person or Persons being Minors, or otherwise incapable by Law to accept any such Allotment, shall be and are hereby enabled and required to accept thereof, for the Use of such Person or Persons; and also that any Person or Persons, intituled to any Allotment or Allotments, as Tenant or Tenants for Life or Lives, shall be and is and are hereby respectively enabled to take and accept of such Allotment or Allotments; and also that any Person or Persons intituled to any Allotment or Allotments in Remainder or Expectancy, upon any precedent particular Estate, upon Neglect or Refusal, for the Space aforesaid, of any Tenant or Tenants in Possession, or any Person intituled to such precedent particular Estate, shall be and is and are hereby enabled to accept of any such Allotment or Allotments, in lieu and in stead of any such Tenant or Person so intituled and neglecting or refusing as aforesaid; and every such Acceptance respectively shall be, and is hereby declared to be, valid and effectual; any thing herein contained to the contrary notwithstanding.

But their not
accepting is
not to pre-
judice the
Claim of the
Persons who
shall accept
after the In-
capacity is
removed.

Provided also, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, or Committee, shall not exclude or prejudice the Claim or Acceptance of any Infant, Lunatick, Idiot, Feme-covert, or other Person under any Incapacity as aforesaid, who shall claim or accept within Twelve Calendar Months after such Incapacity shall be removed; or of any Person or Persons, intituled as Heir, or in Remainder, after the Death of any Person dying under such Incapacity, who shall claim or accept within Twelve Calendar Months after his, her, or their Right or Interest shall have accrued, or be known to have accrued.

Directions
concerning
the fencing
the Rector's
Allotment.

And be it further Enacted, That all the Lands and Grounds so to be set out and allotted to and for the said *John Rolleston*, and his Successors, Rectors as aforesaid, in lieu of his said great and small Tythes, Glebe Land, and Right of Common, and other Dues, Duties, and Payments (except as aforesaid) now belonging to the said Rectory, shall, within the Space of Six Calendar Months next after the signing and sealing the said Award or Instrument, by
and

and at the Expence of the several and respective other Proprietors and Owners of the Lands and Grounds hereby intended to be inclosed, and in such Proportions as the said Commissioners, or any Three of them, shall appoint, be mounded and fenced round by Ditches and Quickset Hedges, and guarded or fenced with Posts and Rails, or otherwise, in such manner as the said Commissioners, or any Three of them, by their Award or Instrument, shall direct or appoint; which Mounds and Fences shall be for ever afterwards kept in Repair by the said *John Rolleston*, and his Successors, Rectors of the said Rectory for the Time being; and that the Lands and Grounds to be set out and allotted to and for any Person or Persons, who, at the time of making such Allotments as aforesaid, shall be seised of or intitled to any Land, Ground, or Right of Common, in the said Fields, Meadows, Pastures, or Waste-grounds, in Right of, or in Trust for, any Church, Hospital, School, or other publick Use, shall, by and at the Expence of the other Proprietors of Lands and Grounds in the said Fields, Meadows, Pastures, and waste Grounds (except the said *John Rolleston*, and his Successors, Rectors as aforesaid), be mounded round by Ditches and Quickset Hedges, and guarded and fenced by and with Posts and Rails, or otherwise, as the said Commissioners, or any Three of them, shall in manner aforesaid direct or appoint; which Mounds and Fences, or such Part or Parts thereof as they, or any Three of them, shall as aforesaid direct or appoint, shall for ever afterwards be kept in Repair by the Person or Persons to whom such Allotment or Allotments shall be made as aforesaid; and that all the Hedges, Ditches, Gates, Stiles, and Fences, to be made for the inclosing, separating, and dividing, the Residue of the said Lands and Grounds pursuant to this Act, shall within the like Space of Time be made, and at all times thereafter for ever repaired and maintained, by and at the Expence of such Person or Persons, and in such Proportions and Manner, as the said Commissioners, or any Three of them, shall, by such their said Award or Instrument, direct or appoint: And that for the better preserving their young Hedges, it shall and may be lawful to and for the respective Persons to whom any Share or Allotments shall be assigned or allotted by virtue of this Act, from time to time, and at all times during the Term of Ten Years next after the Execution of the said Award or Instrument as aforesaid, to set down and place Posts and Rails, or any other Fence, on the Outside of the Ditches bounding their respective Allotments, not exceeding Three Feet from such Ditches, and, at any time before the End of the said Term, to remove, take and carry away, such Posts and Rails, or other Fences, and convert the same to their respective Uses.

The rest of
the Pro-
prieters Al-
lotments.

Power to set
Posts and
Rails on the
Outside of
Allotments.

In case any Proprietor neglects to fence his Allotment, Commissioners to do it, and be repaid out of the Rents and Profits.

And be it further Enacted, That in case any Person or Persons to whom, or to whose Use or Benefit, any Land or Ground shall by virtue of this Act be allotted (except the said *John Rolleston*, and his Successors, in respect to the Allotment or Allotments that shall be made to him and his Successors, as Rectors as aforesaid) shall not, within such time as herein before limited, inclose, hedge, ditch, and fence, the Land and Ground so to be set out and allotted to or for him, her, or them respectively as aforesaid, in such manner as the said Commissioners, or any Three of them, shall, in their said Award, order and direct, then, and in every such Case, it shall and may be lawful to and for the said Commissioners, or any Three of them, to enter into and upon, and to let and set to any Person or Persons whomsoever, the Land and Ground as aforesaid to be allotted to such Person or Persons that shall so refuse or neglect, and also to make and raise such Fences to the same Allotments respectively, as by the said Award shall be directed to be made; and to hold and enjoy the same Premises, until they the said Commissioners shall, out of the Rents and Profits thereof, have raised and paid to themselves so much Money as shall be necessarily expended in and about inclosing the said Allotment or Allotments respectively, and a reasonable Allowance for their Trouble, and all Charges attending the same.

Convenient Openings to be left in the Fences.

Provided always, That convenient Openings shall be left in the said Fences and Inclosures for the Space of Twelve Calendar Months next ensuing the Execution of the said Award or Instrument, for the Passage of Cattle, Carts, and Carriages, through the same, unless the several Parties interested therein shall agree that the same shall be sooner made up and inclosed.

Proprietors may cut down Trees, &c. within

if Land allotted to other than was the Proprietor before the Allotment.

And be it further Enacted, That in case any Lands or Grounds, upon which any Trees, Underwoods, Hedges, Bushes, or Shrubs, at the Time of making such Allotments, shall be standing, growing, or being, shall be allotted or assigned to any Person or Persons, other than such as was or were the Proprietor or Proprietors thereof at and immediately before such Allotments, then and in such Case it shall and may be lawful to and for such Owners and Proprietors thereof respectively, at any seasonable Time or Times, within the Space of Nine Calendar Months after such Allotment shall be made, to enter into and upon the Lands and Grounds upon which such Trees, Underwoods, Hedges, Bushes, or Shrubs, shall be standing and being, and to fell and cut down, and with Horses, Carts, and Carriages, to take and carry away, the same, at his and their Wills and Pleasures, and to and for his and their respective Use and Benefit.

Provided

Provided always, That if any such Hedges, now standing upon the Premises, shall be assigned or appointed by the said Commissioners, or any Three of them, as and for a Boundary or Fence for any of the Allotments so intended to be made as aforesaid, all such Hedges shall be left for the Benefit of the Person or Persons to whom such new Inclosures shall belong by virtue of this Act, he or they making such Allowance and Consideration to the former Owners and Proprietors of such Hedges respectively, and at such time or times as the said Commissioners, or any Three of them, shall in that Behalf order and appoint.

unless appointed for a Boundary or Fence; in which Case, Satisfaction to be made to the former Owner.

And be it further Enacted, That no Sheep or Lambs shall be depastured or kept in any of the said intended new Inclosures, during the Space of Seven Years from the Execution of the said Award or Instrument, unless the Persons respectively so depasturing or keeping Sheep or Lambs do effectually, at their own Expence, guard and fence their Neighbours Quicksets adjoining such Inclosures respectively, in which Sheep or Lambs shall be kept as aforesaid, so as to prevent any Damage or Injury from being done to such Fence or Quicksets by any such Sheep or Lambs; and that the Persons respectively depasturing or keeping Sheep or Lambs as aforesaid, and neglecting or refusing to guard their Neighbours Quicksets as aforesaid, shall be liable to pay all such Damage as shall be sustained by any Person or Persons whatsoever by reason or on account of such depasturing and keeping Sheep or Lambs aforesaid, to be recovered in the manner herein before prescribed for the Recovery of Five Shillings an Acre for not plowing as herein before mentioned.

To prevent the keeping Sheep for a limited Time.

And be it further Enacted, That it shall and may be lawful to and for the said *John Rolleston*, and his Successors, Rectors as aforesaid, by and with the Consent and Approbation of the Patron of the said Rectory for the Time being, to grant any Lease or Leases, to any Person or Persons, of the Land and Ground to be allotted to the said *John Rolleston*, and his Successors, Rectors as aforesaid, by virtue of this Act, or of any Part or Parts thereof, for any Term or Number of Years, not exceeding Twenty-one Years, so as the same shall commence within Six Calendar Months next after the Execution of the said Award or Instrument; and so as the Rent or Rents thereby to be reserved shall be made payable to the Rector of the said Rectory for the Time being, and his Successors, half-yearly, and so as the usual Powers of Re-entry for Non-payment of such Rent or Rents, and such other necessary Clauses be contained therein as is usual in Cases of the like Nature; any Law, Usage, or Custom, to the contrary thereof in any-wise notwithstanding.

Power for the Rector to lease for Years, with the Consent of the Patron.

And

Proprietors of
Lands may
borrow Mo-
ney to in-
close.

And whereas several of the Owners and Proprietors of the Lands and Grounds lying in the said Fields, Meadows, Pastures, and waste Grounds, intended to be divided and inclosed as aforesaid, his, her, or their Trustee or Trustees, Committee or Committees, Guardian or Guardians, may have Occasion to borrow Money to pay and defray their respective Shares and Proportions of the Charges and Expenses incident to and attending the obtaining and passing of this Act, and such Division and Inclosure, and the necessary Subdivisions of the said Allotments, and of borrowing Money for those Purposes, and cannot, by reason of some Settlement or Settlements already made of the Grounds, Lands, and Premises, or some Part thereof, or some other Impediments, Incapacity, or Incumbrances, respectively affecting the same, make an effectual Security thereof for the Money wanted to be raised and borrowed for the Purposes aforesaid; **Be it therefore further Enacted**, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, or Committees, of any of the said Owners or Proprietors, being under Coverture, Minors, Lunatics, or beyond the Seas, and to and for every of them, for the Time being, and to and for all Persons acting as Guardians, Trustees, or Committees of any of the said Owners or Proprietors being under Coverture, Minors, Lunatics, or beyond the Seas, and to and for every of them for the Time being, and to and for any of the said Owners and Proprietors, being Tenants in Tail, or for Life only, and to and for every of them respectively, for the Time being, by and with the Consent and Approbation of the said Commissioners, or any Three of them, testified in Writing under their Hands and Seals, from time to time to charge the Lands and Grounds which shall be assigned and allotted to them the said Owners and Proprietors respectively, by virtue and in pursuance of this Act, with any Sum or Sums of Money, not exceeding Three Pounds an Acre, for the Purposes before mentioned; and, for the securing the Payment of such Sum and Sums of Money, with Interest, to grant, mortgage, lease, or demise, or otherwise subject the Lands and Grounds, so to be assigned and allotted, unto such Person or Persons as shall advance and lend the same respectively, for any Term or Number of Years; so as such Grant or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied.

Grants, Mort-
gages, &c.
to be valued,
notwithstand-
ing the want
of Title in
Guardians,
&c.

And be it further Enacted, That every such Grant, Mortgage, Lease, or Demise, of the said Grounds, Lands, and Premises, or any Part or Parts thereof, so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law, for the Purposes thereby intended, notwithstanding the want of Title in the said Husbands, Guardians, Trustees, or Committees, or in the Persons acting as such,

or

or in the said Tenants in Tail or for Life; any Settlement, Will, Trust, Use, Remainder, Limitation, or other Incumbrance, of and concerning the same Grounds, Lands, and Premises, or any Part or Parts thereof then in being or capable of taking Effect, to the contrary notwithstanding.

And be it further Enacted, That nothing in this Act contained shall revoke, make void, alter, annul, or any ways affect any Settlement, Deed, or Will, or prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Out-Rent, Fee-farm Rent, Mortgage, Incumbrance, or other Demands, out of, upon, or affecting any of the Lands so intended to be inclosed as aforesaid, or any Part or Parcel thereof; but that the Lands to be allotted shall, immediately after the making such Division and Allotments, be, remain, and enure, and be held and enjoyed, and the several Proprietors to whom the same shall be allotted, shall from thenceforth stand and be seised thereof respectively, subject and liable to the same Uses, and for such and the same Estates and Interests, and subject to such and the same Wills, Leases, Powers, Provisoes, Limitations, Remainders, Trusts, Charges, Rents, Out-Rents, Fee-farm Rents, Mortgages, Incumbrances, and Demands, as he, she, or they respectively should and would have stood seised of and in his, her, or their Lands, Interest, or Property, in the said Fields, Meadows, Pastures, and waste Grounds, as if this Act had not been made; any thing herein contained to the contrary notwithstanding.

Nothing in this Act to alter any Will or Settlement.

And be it further Enacted, That the said Commissioners, or any Three of them, shall and they are hereby required to give or cause publick Notice to be given in the Parish Church of *Aston upon Trent* aforesaid, upon some *Sunday* immediately after Divine Service, of the Time and Place of their First and every subsequent Meeting for the Execution of this Act, at least Six Days before any such Meeting shall be held; Meetings by Adjournment only excepted.

Commissioners to give Notice of their Meetings.

And be it further Enacted, That if any One or more of the Commissioners appointed by this Act, or who shall have been elected in the manner herein after-mentioned, shall, before the Execution of the said Award or Instrument, die or refuse to act, the surviving or remaining Commissioners or Commissioner shall, from time to time, by Writing under his or their Hands and Seals or Hand and Seal, within One Calendar Month next after such Death or Refusal shall happen to be known, appoint One other Commissioner, not interested in the said intended Inclosure, instead of such Commissioner so dying or refusing to act; and every such Commissioner, so to be appointed, shall have the like Authority to act in the Execution of this Act as the Commissioner in whose Place he shall succeed was vested with.

Power to chuse new Commissioners.

D

And

Expences of
passing this
Act, Survey-
ing, &c. how
to be de-
frayed.

And be it further Enacted, That the Charges and Expences of passing this Act, and all the Costs and Charges attending the same, and the Costs and Charges of surveying and measuring, dividing and allotting, the Lands and Grounds so intended to be inclosed as aforesaid, and of the preparing and inrolling the said Award or Instrument, and all other the Charges and Expences of the said Commissioners, and other necessary Expences about and concerning the said Premises, shall be borne and defrayed by all the Proprietors and Owners of Lands in the said Fields, Meadows, Pastures, and waste Grounds, so intended to be divided and inclosed (other than and except the said *John Rolleston* and his Successors, Rectors as aforesaid, and such Person and Persons as shall as aforesaid be seised of or intitled to any Land or Ground or Right of Common in the said Fields, Meadows, Pastures, and waste Grounds, in Right of, or in Trust for, any Church, Hospital, School, or other publick Use), according to the Value of the Lands and Grounds each Person shall have allotted to him, her, or them, by virtue of this Act, to be settled, adjusted, and determined, by the said Commissioners, or any Three of them; and that in case any of the Persons aforesaid shall refuse or neglect to pay his, her, or their Share or Proportion, Shares or Proportions, of such Charges or Expences within the Time to be limited by the said Commissioners, or any Three of them, to such Person or Persons as they, or any Three of them, shall appoint to receive the same, then the said Commissioners, or any Three of them, shall and may, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same; rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress or Distresses, and Sale or Sales, or otherwise it shall and may be lawful to and for the said Commissioners, or any Three of them, to enter into and upon the Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid, and to take the Rents and Profits thereof, until thereby or therewith the Share or Shares, Proportion or Proportions, of the said Costs and Charges, to be directed, awarded, and appointed, by the said Commissioners, to be paid by such Person or Persons as aforesaid, and also all Costs, Charges, and Expences, occasioned by or attending such Entry upon and Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied.

Saving of
Rights of
Lords of
Manors.

And be it further Enacted, That this Act shall not prejudice the Rights of the said *James Shuttleworth*, as Lord of the said Manor, or of any future Lord or Lords of the said Manor, in or to the Seignior, Royalties, Rights, and Services, incident and belonging to the

the said Manor; but that such Lord or Lords for the Time being, and all Persons claiming or to claim under or in Trust for him or them, as Lord or Lords of the said Manor, shall at all times hereafter hold and enjoy all Rents, Services, Rights, Royalties, Courts, Perquisites and Profits of Courts, and all other Royalties, Privileges, and Jurisdictions, to the said Manor, or to the Lord or Lords thereof, belonging (other than and except such Right of Common as can or may be claimed by the Lord or Lords of the said Manor, upon the Lands hereby intended to be inclosed, and such Right of the Soil in the said Commons and waste Grounds, for which he shall have a Satisfaction as aforesaid in pursuance of this Act), in as full, ample, and beneficial Manner, to all Intents and Purposes, as he or they might have held and enjoyed the same, in case this Act had not been made.

Saving always to the KING's most Excellent MAJESTY, ^{General Saving.} his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick or Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (Other than and except the said *James Shuttleworth*, the said *John Rolleston* and his Successors, and the said *Leonard Fosbrooke*, *Sarah Cowlishaw*, *John Prior*, *Robert Measham*, *John Cock*, *William Roulston*, *William Brownbill*, *Joseph Boslock*, and all other Persons to whom any Allotment or Allotments of Lands shall be made by virtue of this Act); All such Estate and Interest as they, every or any of them, had and enjoyed, of, in, to, or in respect of, the said Fields, Meadows, Pastures, and waste Grounds, before the Passing of this Act, or could or might have had or enjoyed, in case the same had not been made; but no such other Person or Persons, Bodies Politick or Corporate, his, her, or their Heirs, Executors, Administrators, or Successors, shall have Power to disturb any of the Allotments to be made in pursuance of this Act, but shall accept the respective Allotments which shall be made in lieu of the Lands, Common Rights, Tythes, or other Interest, which he, she, or they would have been intitled to in case this Act had not been made.

A C T

FOR

Dividing and Inclosing the Common
Fields, Meadows, Pastures, and
Waste Grounds, in the Town-
ship of *Affon upon Trent*, in the
County of *Derby*.